Applicant : James R. Cole et al.
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REMARKS

Applicants wish to thank the Examiner for the telephonic interview May 3, 2005. We believe our response places the amended claims above in condition for allowance.

In the office action mailed January 12, 2005, the Examiner entered but did not consider the German Patent DE 19959055A to Seeger (hereinafter Seeger) submitted in an IDS as it was not in the English language. To address this, the Applicant has enclosed a copy of the Seeger reference translated into English with a supplemental IDS. Applicant would request the Examiner to enter and consider this material as it is now submitted in English.

Regarding claim 28, the Examiner objected to the form of the claim as lacking antecedent basis. Applicant has revised claim 28 to refer to "the control mechanism" described in claim 17. Accordingly, Applicant would respectfully request withdrawal of this objection.

Claims 1, 2, 7, 8, 29, and 31 stand rejected under 35 USC 102(e) over US Patent 6,702,444 to Takizawa et al (hereinafter Takizawa). Applicant respectfully submits that Takizawa alone does not teach or suggest any aspect of the present invention. Takizawa describes a way of lowering fan noise and keeping a light source or lamp from overheating and possibly becoming damaged (Abstract). Once a light source is turned on, the heat produced by the light source is monitored with temperature sensors and the fan speeds are set to different

speeds depending on the heat output. (Col. 9, lines 45-67). Takizawa is concerned with turning off the lamp when the heat output from the lamp is too great but is not concerned with temperatures before turning the lamp on. (Col. 9, lines 57-62 "the first intake fan 17A and the second intake fan 17B are controlled to rotate at low speed during the standby period and to rotate at high speed after the standby period, regardless of the temperatures detected by the temperature sensors").

Applicant submits that a proper § 102 rejection from a single prior art reference must have every element of the claim. See Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2D (BNA) 1913, 1920 (Fed. Cir.), cert. denied, 493 U.S. 853, 107 L. Ed. 2d 112, 110 S. Ct. 154 (1989) (explaining that an invention is anticipated if every element of the claimed invention, including all claim limitations, is shown in a single prior art reference). See Jamesbury Corp. v. Litton Industrial Products, Inc., 756 F.2d 1556, 1560, 225 USPQ 253, 256 (Fed. Cir. 1985) (explaining that the identical invention must be shown in as complete detail as is contained in the patent claim).

In the present case, Takizawa neither shows every element of the claims rejected nor does it provide any details hence it does not anticipate the rejected claims.

Claim as amended 1 recites "receiving a request to turn on the digital projector" however this is not equivalent to powering the projector on as indicated in Takizawa lines 18-22, col. Takizawa turns on the light source immediately and does not describe processing a request and delaying the turning on of the light source. Takizawa is consistent with this and urges the immediate turning on of the light, "it is possible to prevent the relighting of the light-source lamp from being hindered" (Col. 2, lines 25-38).

For example, Takizawa does not receive a request, process the request and then later determine whether to turn on a light source or other components in the projector. In other words, Takizawa does not conditionally turn on the lamp only when the temperature is below a threshold. Instead, Takizawa merely turns on the device in its entirety upon being powered on (Col, 13, lines 18-22). It is apparent from reading Takizawa that the 'device' in Takizawa encompasses the complete projection display device and includes the light source and other elements (Col. 3, lines 65-68). Consequently, requesting to turn on the digital projector as recited in Claim 1 for subsequent processing is not taught or suggested by Takizawa.

Even if Takizawa did receive a turn-on request, Takizawa does not "receiving temperature data associated with a light source from a temperature sensor" as recited in amended claim 1. According to Takizawa, the device enters a standby period immediately after being powered on during which the fans operate regardless of the temperature detected by the temperature sensors (Col. 9, lines 57-62). Takizawa states that the fans operate "regardless of the temperatures detected by the temperature sensors" (Col. 9, lines 61-62). There is no reason for Takizawa to receive any temperature data when the device is initially turned on as the device clearly does not use this temperature information.

Similarly, no where does Takizawa state "comparing the temperature data to a predetermined threshold" as recited in amended claim 1 subsequent to turn on. This follows as Takizawa operates the fans for a standby period subsequent to turning on the device and does so without comparison to the temperatures associated with any temperature sensors. (Col. 9, lines 57-62).

Shortly after turning on the device, there is also no operation in Takizawa "for turning on a cooling device and keeping the light source off if the temperature data is above the

predetermined threshold and if a turn-on request has been received" also recited in claim 1. The Examiner has indicated that Takizawa does this operation yet has provided no specific reference in Takizawa for this assertion. In particular, Takizawa unconditionally turns on the cooling devices and light source without regard to temperature. Takizawa turns on the cooling fans immediately after turning on the device and without consideration of any temperature measurements from one or more temperature sensors (Col. 9, lines 57-62). Clearly, the fans and lighting sources in Takizawa are turned on unconditionally when the device is turned on and not in the manner as recited in claim 1.

Further, Takizawa does not teach "turning on the light source if the temperature data is at or below the predetermined threshold and if a turn-on request has been received" as recited in claim 1. There is no mention of the details with turning on the light source in Takizawa as Takizawa *only describes* turning off the light source. Applicant respectively submits that the Examiner is adding language to Takizawa in the present office action by stating, "in the case where a turn on command is given it would be lit anytime below that after the first temperature reading was taken and may or may not be lit if it were above that" as there is no reference to Takizawa and thus no basis for this statement. Here the Examiner is operating in hindsight and reading Applicants' own disclosure into Takizawa.

Takizawa actually describes initially turning on the light source even when the temperature may indicate higher, not lower temperatures. Specifically, Takizawa states, "the light source can be relighted even when the detected temperature from the temperature detecting device is higher than the predetermined preset temperature". Applicant respectfully submits that this operating in accordance with Takizawa would result in turning on a lamp even when the temperature is above a predetermined threshold.

Clearly, turning off or extinguishing a light source under the conditions in Takizawa is the opposite of "turning on the light source if the temperature data is at or below the predetermined threshold and if a turn-on request has been received" as recited in claim 1. Takizawa initially turns on the light source regardless of indicated high temperature (Col. 2, lines 22-38) and only later turns off the light source if it becomes too hot. For example, turning a projector off, unplugging it from a wall and then turning it back on would cause the projector in Takizawa to turn the light source on immediately even when the projector is quite hot. This is because Takizawa turns on the device, the light source and enters standby mode immediately after being turned on. In contrast, claim 1 recites "turning on the light source if the temperature data is at or below the predetermined threshold and if a turn-on request has been received." Applicant respectfully submits that the Examiner has failed to show the identical invention shown and in as complete detail as claimed and must withdraw the above rejection under 35 USC 102.

Even though they are independently patentable, claims 2-8 also remain patentable by virtue of their dependency on independent claim 1.

Further, independent claims 29 and 31 as amended also remain patentable over Takizawa for at least the reasons described above with respect to independent claim 1.

The Examiner also rejected claims 9, 11, 12, 16, 30 and 32 under 35 USC 102(e) in light of Published Application US 2002/0196606 to Hirao et al. (hereinafter Hirao). For purposes of this rejection, the Examiner has referred to FIG. 3 of Hirao without specifically mentioning the corresponding text in the description. To make a prima facie case, the Examiner again must show that a single prior art reference must have every element of the claim and that the identical invention must be shown in as complete detail as is contained in the patent claim.

Hirao describes a projector in FIG. 1 having a microcomputer (1) for processing lamp control commands (Para. 31, lines 2-4) and interfacing independently to a lamp driving circuit (6) to turn on and off the light source lamp (Para. 31, lines 5-8) and a D/A (digital to analog) converter (3) for converting fan control commands in digital to an analog voltage signal (Para. 30, lines 1-4) to control the fan. Applicants respectfully submits that FIG. 3 refers specifically to a set of steps for controlling the fan using various fan control commands and does not provide light control commands to control the light source.

In FIG. 3, Hirao indicates that a "power off command" is inputted to the microcomputer for processing (7). This "power off command" is a command that is processed by the microcomputer that causes the output of a "fan stop command" from the logic running in the microcomputer to be issued and terminate the "fan control processing" (Para. 44, lines 1-3) operations described in FIG. 3 steps 1-8. No other lamp control commands are described. One skilled in the art would recognize that fan control processing is separate from controlling the light source as the microcomputer would use one set of commands to control the fan and a different set of commands for the light source.

Accordingly, the description and FIG. 3 in Hirao provides "fan control processing" to be used only for controlling the fan and not for controlling the light source. Clearly, it is not possible for FIG. 3 to explicitly or inherently teach about the control of the light source as no light source commands are issued in FIG. 3. For example, Hirao does not provide "turning on a cooling device and keeping the light source off if the temperature data is above the predetermined threshold and if a turn-on request has been received", "turning on the light source if the temperature data is at or below the predetermined threshold and if a turn-on request has been received" or "turning off the light-source in response to the request received " as recited in

claim 1 as amended. This is to be expected as Hirao does not teach any light source commands to be executed on the microcomputer (1).

Regarding claims 11, 12 and 16, these dependent claims are allowable on their own and also allowable based upon their dependency of claim 9.

Further, independent claims 30 and 32 are also in condition for allowance for at least the same or similar reasons as claim 9 described previously.

The Examiner further rejected claims 3 and 4 under 35 USC 103(a) over Takizawa and further in view of Arimoto. According to the Examiner, Takizawa describes lighting a light source if a temperature is at or below a predetermined threshold and that Arimoto indicates the light source is a mercury lamp. While Arimoto may describe mercury lamps, Applicants respectfully submit that the Examiner has not pointed out with particularity where Takizawa teaches lighting any light source at or below the predetermined threshold temperature and thus has failed to establish the prima facie case. Accordingly, not only do claims 3 and 4 remain patentable on their own but they are also patentable based upon their dependence upon claim 1.

In addition, the Examiner rejected claims 5, 6, 17-19, and 23-27 under 35 USC 103(a) over Takizawa. Once again, claims 1 and 17 as amended remain patentable over Takizawa and therefore claims 5, 6, 18-19 and 23-27 also remain patentable based upon their dependency on claims 1 and 17.

Further, the Examiner rejected claims 13 under 35 USC 103(a) over Hirao in view of Arimoto. Once again, claim 13 remains patentable on its own and based upon the dependency on claim 1 which is allowable for reasons previously described.

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The Examiner rejected claims 14 and 15 under 35 USC 103(a) over Hirao in view of Parker. Once again, claims 14 and 15 remain patentable on their own and based upon the dependency on claim 9 as amended which is allowable for reasons previously described.

Examiner rejected claim 20 under 35 USC 103(a) over Takizawa in view of Arimoto. Once again, claim 20 remains patentable on its own and based upon the dependency on claim 17 as amended which is allowable for reasons previously described.

Examiner rejected claims 21 and 22 under 35 USC 103(a) over Takizawa in view of Goodwin. Once again, claims 21 and 22 remain patentable on their own and based upon the dependency on claim 17 as amended which is allowable for reasons previously described.

Examiner rejected claim 28 under 35 USC 103(a) over Takizawa in view of Derryberry. Once again, claim 28 remains patentable on its own and based upon the dependency on claim 17 as amended which is allowable for reasons previously described.

Included above is a copy of the current claims as well as a marked-up version of the changes made to the claims by the current amendment.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Leland Wiesner, Applicants' Attorney at (650) 853-1113 so that such issues may be resolved as expeditiously as possible.

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For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

Leland Wiesner
Attorney/Agent for Applicant(s)
Reg. No. 39424

Leland Wiesner
Attorney
366 Cambridge Avenue
Palo Alto, California 94306
Tel. (650) 853-1113